

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Patent Application of

Alan A. SIEGEL and Rod LOWENSTEIN

Examiner: Cassandra Hop Davis

Serial No.: 09/659,525

Art Unit: 3611

Date Filed: September 12, 2000

Our Docket No.: P-5

For: Apparatus and Method for the Distribution of Consumer Product Information

Mail Stop AF, Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## DECLARATION OF ROD LOWENSTEIN

SIR:

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APR 26 2004  
**GROUP 3600**

I, Rod Lowenstein, declare as follows:

1. I am one of the named inventors in the above-identified patent application. I am fully familiar with the facts and circumstances surrounding the development of the invention described in the application, and the preparation and filing of the patent application itself.

2. I have been informed that during a recent telephone conference between Examiner Cassandra Hope Davis and my attorney, Myron Greenspan, Examiner Davis identified U.S. Published Application No. US 2002/0027837 A1 to Webber ('837 publication). It is my understanding that Examiner Davis planned to possibly apply the '837 publication in a future rejection.

3. The Webber application was filed on August 31, 2001, with an effective filing date of September 1, 2000, based on a non-provisional patent application

**U.S. Patent Application of Sieg I et al. - 09/659,525 - Art Unit: 3611  
DECLARATION OF ROD LOWENSTEIN**

from which priority was claim d.

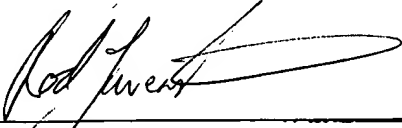
4. The subject application was filed on September 12, 2000, slightly more than one week after the effective filing date of the Webber patent application.

5. The invention disclosed and claimed in the subject application was conceived significantly prior to September 1, 2000, by many months. Even the preparation of the patent application took more than a month after the disclosure materials were submitted to my patent attorney for preparation of a patent application.

6. In view of the foregoing, the invention disclosed and claimed in the subject application was conceived prior to September 1, 2000, which is the earliest date for which Webber can be used as a reference.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

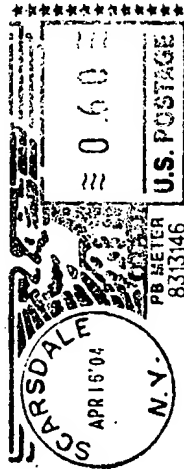
Dated: 3.30.04.

  
\_\_\_\_\_  
Rod Lowenstein



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